



BLOW US



WE SAW, THEY SUCKED, WE CAME

NCAA

EXHIBIT 5



April 7, 2006

VIA OVERNIGHT DELIVERY

Box 6222
Bloomington, Indiana 47406
Phone: 317/917-6222

Shipping/Overnight Address:
1 Alonzo Watford Sr. Drive
Bloomington, Indiana 47402

ncaa.org

President Charles E. Kupchella
University of North Dakota
University Station
P.O. Box 8193
Grand Forks, North Dakota 58202-8193

Dear President Kupchella:

As you know, in late April the NCAA Executive Committee is scheduled to consider the University of North Dakota's appeal regarding application of the policy governing use of Native American nicknames and imagery in NCAA championship events. However, in the time since the university submitted its appeal materials and the staff review committee submitted its responses, new developments may have occurred which are material to the Executive Committee's review.

To assure that the university has every opportunity to present pertinent information to the Executive Committee, and to assure that the Executive Committee is presented with all material facts, including recent factual developments, the university and the staff will be permitted to submit additional information that was unavailable when the appeal materials were originally submitted. Specifically, the university and the staff may supplement their respective materials with new factual information by submitting that information on or before April 14, 2006. Materials or arguments that were previously available but not submitted for review are not to be presented at this time.

To provide the university an opportunity to respond to information the staff will submit, enclosed please find the staff's anticipated supplemental factual materials. These will be forwarded to the Executive Committee after April 14, together with (1) any supplemental factual materials provided on behalf of the university and (2) any response the university prepares upon review of the enclosed information.

This limited submission and response procedure will assure that the Executive Committee has before it relevant information regarding recent developments. It also will allow the university to respond to information presented by the staff.

Please contact me if you have any questions about this procedure.

Sincerely,

Bernard W. Franklin
Senior Vice President for Governance and Membership

BWF:jw

Enclosure

National Collegiate Athletic Association

an association of over 1,200 member colleges and universities
Equal Opportunity/Affirmative Action Employer



MEMORANDUM

April 7, 2006

P.O. Box 6222

Indianapolis, Indiana 46206

Telephone: 317/917-6222

Shipping/Overnight Address:

1802 Alonzo Watford Sr. Drive

Indianapolis, Indiana 46202

www.ncaa.org

TO: NCAA Executive Committee.

FROM: Bernard W. Franklin
Senior Vice President for Governance and Membership/
Liaison to the Executive Committee.

SUBJECT: Recent Factual Developments Regarding the University of North Dakota Appeal.

During the time since the University of North Dakota filed its appeal, there have been several factual developments of which the NCAA Executive Committee should be aware. By letter dated April 7, 2006, both North Dakota and the staff review committee were authorized to supplement their appeal-related materials with information regarding factual developments that were not available when the appeal was originally submitted. To assure that the Executive Committee has before it all relevant information before ruling on North Dakota's appeal, the staff review committee recommends that the Executive Committee accept these supplemental materials regarding recent factual developments. The staff review committee also recommends that the Executive Committee accept and consider responses submitted by the parties to the supplemental information provided.

For its factual supplement, the staff review committee submits the following materials for consideration by the Executive Committee:

1. Correspondence to NCAA Executive Committee from David Gipp dated March 3, 2006.
2. University Senate Resolution dated January 12, 2006 (and related minutes).
3. Dr. Kupchella's response to University Senate dated January 31, 2006.
4. University of North Dakota Indian Association Resolution GM 01-2006 dated March 8, 2006.
5. North Dakota faculty letter and petition released publicly on or about March 24, 2006.
6. Chancellor Robert Potts' response to North Dakota faculty.

National Collegiate Athletic Association

An association of more than 1,200 members serving the student-athlete
Equal Opportunity/Affirmative Action Employer

NCAA MEMORANDUM

April 7, 2006

Page No. 2

Copies of these documents are attached to this memorandum.

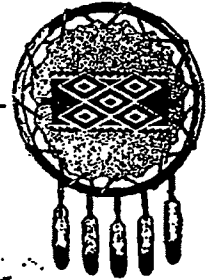
Although these materials were not available to the staff review committee, each supports the committee's decision not to exempt North Dakota from application of the policy governing use of Native American mascots, nicknames and imagery at NCAA championship events. These materials are consistent with the evidence before the committee that the term "Fighting Sioux" and related imagery create a hostile or abusive environment inconsistent with the fundamental purposes of the NCAA. The committee provides this new factual information but does not add arguments or modify those arguments already presented to the Executive Committee.

BWF:jw

Attachments

UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605

MAR 09 2006



NCAA Executive Committee
Attn: Myles Brand, President
National Collegiate Athletic Association
P.O. Box 6222
Indianapolis, Indiana 46206-6222

March 3, 2006

copy:
OF

PLS PREPARE REPLY, MY DESK
PLS ACKNOWLEDGE, MY DESK
PLS ANSWER, YOUR SIG.
PLS SEE ME
PLS HANDLE
FYI AND RETURN COMMENT
FYI AND RETURN
FOR YOUR INFO & FILE
SIGNATURE AND DATE

Re: Tribal Officials and UND Officials
meeting; no change in positions


Dear Mr. Brand:

This letter is to inform you that a constructive dialogue took place on February 20, 2006 between leaders of North Dakota's tribes and officials of the North Dakota University System (NDUS) and the University of North Dakota (UND), regarding UND's use of the "Fighting Sioux" nickname and American Indian logo imagery. However, the sovereign tribal governments represented want to make clear to the NCAA that their positions regarding UND's use of the "Fighting Sioux" nickname and Indian head logo have not changed as a result of the meeting.

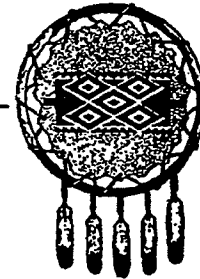
The meeting represented the start of the dialogue called for in the resolution passed at our Ninth Annual Summit of North Dakota Tribal Leaders held in September of last year, which we have previously provided to you. Despite other characterizations that have been made in the popular press about UND having discussions with various tribes or tribal leaders, this was the first meeting between tribal leaders and NDUS and UND officials that meets the spirit of conducting "formal consultation and negotiation" with North Dakota Tribal Nations, as referenced in the resolution.

In attendance at the meeting, held at United Tribes Technical College in Bismarck, were these tribal leaders: Ken W. Davis, Chairman, Turtle Mountain Band of Chippewa; Myra Pearson, Chairperson, Spirit Lake Nation; Tex G. Hall, Chairman, Mandan-Hidatsa-Arikara Nation (the Three Affiliated Tribes); Jesse "Jay" Taken Alive, Tribal Councilman, Standing Rock Sioux Tribe; Carl Walking Eagle, Tribal Councilman, Spirit Lake Nation; and Mervin Packineau, Tribal Councilman, Mandan-Hidatsa-Arikara Nation.

The NDUS was represented by Chancellor Robert Potts and North Dakota Board of Higher Education Chairperson Pamela J. Kostelecky. UND was represented by President Charles Kupchella. In addition to myself, former North Dakota Governor Ed Schafer also attended.



UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



About the talks, we can report that a wide range of topics was discussed that relate to how American Indians are served by the North Dakota University System, including the subject of the UND nickname and logo. There was also general agreement about the need to establish a forum co-chaired by, and composed of, Tribal leaders and NDUS official, at which matters of mutual importance could continue to be discussed.

We would also note that the NCAA rule change announced in August of last year, as well as subsequent decisions the NCAA Executive Committee has made affecting logos, mascots and nicknames have been mischaracterized by some North Dakota officials and in some press reports in our region as being "meddlesome", or "not well thought out". We know that the NCAA has spent a considerable amount of time on this issue and are seeking to ensure in our discussions that the NCAA's decision is characterized appropriately.

Should there be further developments, we will keep you informed.

Sincerely,

David M. Gipp, President
United Tribes Technical College

cc: Board of Directors, United Tribes Technical College Board

UNIVERSITY SENATE RESOLUTION
January 12, 2006

Whereas, the University of North Dakota is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools (NCA); and

Whereas, following its 2004 reaccreditation visit to UND, the NCA issued a report explicitly linking UND's continued use of its Indian nickname and Indianhead logo with negative impacts on the University's academic mission, and calling on the State Board of Higher Education and the Campus to develop and implement an orderly plan for discontinuing use of the Indian nickname and Indianhead logo; and

Whereas, the NCA's conclusions of the negative impacts of the name and logo on the University's academic mission are consistent with scholarly research conducted on the UND Campus; and

Whereas, the NCA's call for retirement of the name and log is in accord with requests from eight Sioux nations and several other area tribes, the national Indian Education Association, the North Dakota Indian Education Association, the Minnesota Indian Education Association, the National Congress of American Indians, the American Psychological Association, twenty of UND's Indian-related programs, and dozens of other national, regional and local organizations; and

Whereas, the NCA's explicit concerns, the academic research record, and the extent of tribal and organizational calls for retirement of the name and logo provide substantial reason for the University Senate to be concerned that accomplishing the academic mission of the University of North Dakota is unnecessarily hindered by the continued use of the name and logo.

Now, therefore, it is resolved that the University Senate of the University of North Dakota requests President Kupchella promptly seek authority from the State Board of Higher Education to develop and implement an orderly plan for discontinuing use of the Indian nickname and Indianhead logo.

Minutes of the University Senate Meeting (Revised)
January 12, 2006

1.

The January meeting of the University Senate was held at 4:05 p.m. on Thursday, January 12, 2006 in Room 7, Gamble Hall. Sue Jenö presided.

2.

The following members of the Senate were present:

Alfonso, Peter
Anderson, Christopher
Anderson, Cindy
Benoit, Virgil
Berne, Jane
Blackburn, Royce
Boyd, Robert
Braden, Chris
Bradley, April
Campbell, Katherine
Christopherson, Joel
Covington, Chandice
Cripe, Haylee
DeMers, Judy
Dewar, Graeme
Doze, Van
Drewes, Mary
Elbert, Dennis
Ellis, Rick
Fivizzani, Al
Flom-Meland, Cynthia
Flynn, Aaron
Gallager, Robert
Goodwin, Janice
Gosnold, Will
Grant, Emmanuel
Hans, Birgit
Haskins, Robert
Herrick, Ryan
Hilliard, Nathaniel
Jackson, Margaret
Jenö, Sue
Jerath, Sukhvarsh
Kim, Ju Hyo
Kupchella, Charles
La Duke, John
Mahar, Patricia
Mamaghani, Iraj
Martindale, Nathan
Mayzer, Roni
McBride, Rosanne
Mochoruk, James
Moen, Janet
Mullegama, Saman
Munski, Doug
Nies, Gerry
Obma, Robert

Perry, David
Petros, Tom
Potvin, Martha
Remfert, Matt
Rex, Janet
Rice, Daniel
Routon, Claudia
Schumacher, Peter
Schwartz, Rhonda
Semke, William
Smart, Kathy
Smith, Bruce
Watson, John
Weisenstein, Greg
Widmer, Donovan Williams, Carmen
Williams, Jim
Wu, Min
Yurkovich, Eleanor

3.

The following members of the Senate were absent:

Benoit, Joseph
Elsinga, Lillian
Goenner, Cullen
Jackson, Jon
Lane, Jason
LaVenture, Andrew
LeBel, Paul
Lovelace, Kent
Myers, Bradley
Nowacki, Michael
Olsen, Glenn
Picklo, Matthew
Robertson, Charles
Rosenberger, Thad
Sadeh, Eligar
Schnellert, Gary
Skramstad, Allan
Strand, Robin
Stolt, Wilbur
Streibel, Kent
Wettersten, Kara
Wilson, H. David

4.

The following announcements were made:

- A. The Chair announced that President Kupchella signed both of the policies passed at the December 1, 2005 meeting: 1) concerning the Institutional Review Board governance and oversight; and 2) the Guidelines for Faculty Engaged in Employment Controversies with the University.
- B. The Chair reported that the Conflict of Interest policy is still under revision with the hope that the next draft will be complete by the February Senate meeting.

- C. The Chair announced that the Institutional Diversity and Pluralism statement that was in the previous academic catalogs will be sent out via the listserv for review. This item will be on the February Senate agenda.
- D. The Chair announced that all University Council members should have received a letter from the Committee on Committees regarding interest in committee work. She encouraged all to complete this form and return it by January 27. There is a special need for those who would be willing to be considered for the Vice Chair/Chair elect position.

5.

The Chair asked for corrections or additions to the December 1, 2005 minutes. Hearing none, the minutes were approved as distributed.

6.

In lieu of a question period Ms. Jenö gave a brief review of the standing rules of University Senate.

7.

President Kupchella reported that the University Planning and Budget Committee will be considering the FY07 budget. He also reported that the NCAA Classification Task Force is currently meeting; two senior faculty members are still needed to complete its membership.

The President updated the senators on the current status of the NCAA logo issue and items going on that are directly related to the logo issue. He reported that UND filed a second appeal before the holiday, which the NCAA Staff reviewed. We were given an opportunity to submit a rebuttal to go with their review to the NCAA Presidents Council. The NCAA Staff held off the Presidents Council consideration of our appeal pending their review of "new information" in our rebuttal - and offered to allow us to submit a rebuttal of their re-review. A State Board of Higher Education resolution directed the President to work with the tribes in North Dakota. An invitation has been extended to the Sioux Tribes to visit the campus, and members of the Standing Rock Tribal Council did visit UND before the holiday. The entire Spirit Lake Tribal Council visited last week. There are two more upcoming tribal visits, both yet to be scheduled. All of the meetings are designed to get as much input from the tribes as possible.

After updating the Senate, President Kupchella excused himself from the discussion.

8.

On behalf of Ms. Moen, the Chair displayed a definition of institutional discrimination to be used as background information for the discussion to follow.

9.

Ms. Hans gave an overview of the resolution regarding the Indianhead logo and nickname that was passed at the December 1, 2005 University Senate meeting and reviewed the NCA accreditation document that contained recommendations concerning the use of the logo.

After discussion and statements from various senators in favor or against the resolution, Ms. Hans moved to request that President Kupchella promptly seek authority from the State Board of Higher Education to develop and implement an orderly plan for discontinuing use of the Indian nickname and Indianhead logo. Mr. Mochoruk seconded and the members of the Senate approved the motion with a vote of 40 in favor, 12 against, and 11 abstaining. Due to an inconclusive voice vote,

voting by roll call took place. (Resolution in its entirety attached)

10.

The meeting was adjourned at 5:15 p.m.

Carmen Williams,
Secretary to the Senate

Minutes of the University Senate Meeting
February 2, 2006

1.

The February meeting of the University Senate was held at 4:05 p.m. on Thursday, February 2, 2006 in Room 7, Gamble Hall. Doug Munski presided.

2.

The following members of the Senate were present:

Anderson, Cindy
Benoit, Virgil
Berne, Jane
Blackburn, Royce
Boyd, Robert
Bradley, April
Cripe, Haylee
DeMers, Judy
Dewar, Graeme
Doze, Van
Drewes, Mary
Elsinga, Lillian
Fivizzani, Al
Flynn, Aaron
Goenner, Cullen
Goodwin, Janice
Gosnold, Will
Grant, Emmanuel
Hans, Birgit
Haskins, Robert
Herrick, Ryan
Jackson, Jon
Jerath, Sukhvarsh
Kim, Ju Hyo
Kupchella, Charles
La Duke, John
Lane, Jason
Little, Michael
Mamaghani, Iraj
Mayzer, Roni
Mochoruk, James
Moen, Janet
Mullegama, Saman
Munski, Doug
Nies, Gerry
Nowacki, Michael
Olsen, Glenn
Perry, David
Potvin, Martha
Remfert, Matt
Rex, Janet
Rice, Daniel
Robertson, Charles
Rosenberger, Thad
Routon, Claudia
Sadeh, Eligar
Schnellert, Gary

Skramstad, Allan
Smart, Kathy
Smith, Bruce
Streibel, Kent
Watson, John
Weisenstein, Greg
Wettersten, Kara
Widmer, Donovan Williams, Carmen
Williams, Jim
Wu, Min
Yurkovich, Eleanor

3.

The following members of the Senate were absent:

Alfonso, Peter
Anderson, Christopher
Benoit, Joseph
Braden, Chris
Campbell, Katherine
Christopherson, Joel
Covington, Chandice
Elbert, Dennis
Ellis, Rick
Flom-Meland, Cynthia
Gallager, Robert
Hilliard, Nathaniel
Jackson, Margaret
Jeno, Sue
LaVenture, Andrew
LeBel, Paul
Lovelace, Kent
Mahar, Patricia
Martindale, Nathan
McBride, Rosanne
Myers, Bradley
Obma, Robert
Petros, Tom
Picklo, Matthew
Schumacher, Peter
Schwartz, Rhonda
Semke, William
Stolt, Wilbur
Wilson, H. David

4.

There were no announcements.

5.

The Chair asked for corrections or additions to the January 12, 2006 minutes. Ms. Hans moved to amend the minutes to include the entire logo resolution given it is a historic document. The motion passed unanimously. A motion was then made to approve the January 12, 2006 minutes as amended. The motion passed unanimously.

6.

President Kupchella gave his response to the resolution passed at the January 12, 2006 University Senate meeting (see attached PDF file).

7.

The question period was opened at 4:20 p.m.

President Kupchella answered questions regarding his response to the resolution. A motion was made by Mr. Rice and seconded by Ms. Hans to extend the question period to 5:00 p.m. The motion passed unanimously. Discussion continued. The President thanked Mr. Lane and deans Smith and Rice for sponsoring the recent forums regarding the logo issue.

The question period ended at 5:00 p.m.

8.

Mr. Robertson moved to accept the annual reports of the Senate Summer Sessions Committee and the Senate Academic Policies and Admissions Committee. The motion was seconded and passed unanimously.

9.

Mr. Remer, Chair of the Honorary Degrees Committee, presented the committee's nominations for honorary degrees. Mr. Robertson moved to accept the nominations. The motion was seconded and passed with a vote of 50 in favor and 1 against.

10.

Mr. Robertson moved to accept the Curriculum Committee report. The motion was seconded and passed unanimously.

11.

Mr. Perry, on behalf of the Senate Academic Policies and Admissions Committee, presented the proposed change in qualifications for the President's Honor Roll. Mr. Jackson moved to approve the change. The motion was seconded and passed unanimously.

12.

Mr. Jackson gave an update on the progress of the Conflict of Interest Policy document. He answered questions from the senators and invited the campus community to provide input by attending the Committee's next meeting on February 15. The final draft of the policy should be ready for the March Senate meeting.

13.

The Senate considered proposed revisions to the Faculty Handbook in regard to SBHE 605.3.1, which would allow the Vice President for Academic Affairs to be authorized to issue non-renewal notices rather than the President. Ms. Hans moved and Mr. Robertson seconded to accept the revision. After discussion, Ms. Hans withdrew the motion. Discussion continued. Mr. Robertson moved and Mr. Fivizzani seconded to send the proposal back to the Senate Executive Committee for clarification with respect to Medical School appointments. The motion passed unanimously.

14.

The meeting was adjourned at 5:20 p.m.

Carmen Williams,
Secretary to the Senate

TO: University Senate
FROM: Charles E. Kupchella
SUBJECT: American Indian Nickname & Logo
DATE: January 31, 2006

I have your resolution of January 13, 2006, requesting that I seek authority from the State Board of Higher Education to develop and implement an orderly plan for discontinuing use of the American Indian nickname and Indian head logo.

As you are all well aware, I have been dealing with this issue since I began my presidency here in 1999. I formed a commission at the beginning, including American Indian representation, two former North Dakota governors, and other distinguished panelists to examine the pros and cons of the issue. The fact of the matter is, a number of pros and cons were identified, and it was not at all clear that discontinuing the use of the logo would be in the best interest of relations between American Indian people and non-American Indian here on the Upper Great Plains. We were in the process of considering various options at the time, when the Board decided to take for itself a decision to keep the nickname and the logo, apparently believing that it was in the best interest of all of the people of North Dakota that the nickname and logo be retained. Because this is the ultimate authority for higher education, I took my charge from that point to be ensuring that our use of the nickname and logo was respectful, and I have done just that and will continue to do so.

The issue has been made much more complicated by the NCAA weighing in with a new ill-considered policy that would penalize our student athletes if our use of the logo and nickname were in fact deemed to be "hostile and abusive." As President of this great institution, I cannot allow a charge by the NCAA, or anyone else for that matter, to go unchallenged that a nickname we have used with pride and honor for generations is somehow objectively hostile and abusive. While some may not like the nickname, this is in no way a test for/of "hostile and abusive." It can, and has been, not unreasonably argued that we should consider changing the nickname because some do not like it – or because the issue is a distraction. However, the argument that we change it because it is inherently hostile and abusive is another matter entirely. As you know, we are in the process of resolving that question now with the NCAA. We also have been, and

continue to be, engaged in some very productive discussions with tribal leaders. Even if I were inclined to do what you ask, such action would be counterproductive and not at all timely.

As you well know, there are mixed views on this issue, both in the American Indian population and in the non-American Indian population. Some tribes, notably the Seminoles, the Utes, and the Chippewas, as well as our own Spirit Lake Nation, have indicated that they find no problem with the use of our nickname and have put their permission in writing. That being the case, it is hardly the business of the non-American Indian population to declare that Indian tribes who are otherwise content with the use of these logos and nicknames clearly intended to honor their ancestors, are really being subjected to hostility and abuse.

While it is true the debate about the use of the logo has at times gotten overly harsh, I genuinely believe that the logo, itself, is in no way hostile or abusive. Even Stephanie Fryberg (whose as yet, as far as I know, unpublished research indicates that Indian logos can stereotype and can be negative), states that the use of American Indian nicknames and logos is stereotypical and otherwise negative only in settings where there are no other ways in which American Indians are appreciated and depicted. Given we are here in Indian country where the American Indian culture is well illuminated in so many ways, and given that we have 400+ American Indian students on campus, this hardly applies to us.

While I will continue to study the scholarly work done on this topic, I am skeptical of what I have seen thus far because most, if not all, of those who have weighed in on this with a scholarly approach have clearly indicated a personal bias against the use of the nicknames, and, it appears, set out to prove that these nicknames and logos are harmful.

While I will acknowledge that having to deal with this issue and the controversy surrounding it has taken some time that could well have been spent on more productive endeavors, controversy is a normal part of our world, and exposure of students to controversy far from harming them in any way could actually help in their education about the real world with differences of opinion on many issues. Our student leaders report that there is no negative impact on our academic programs as a result of our use of the nickname and logo.

In closing, let me say that I personally believe that, the nickname issue notwithstanding, the University of North Dakota offers American Indian students a better chance for a quality education than they would be able to find at almost all, if not all, other institutions of higher education in America. I pledge to make sure that this continues to be true.

CEK/cw

UNDIA Resolution GM01-2006

WHEREAS, the University of North Dakota Indian Association (UNDIA) was established in 1966 as a means of providing support to American Indian students who felt alienated from the community because of the FIGHTING SIOUX™ nickname and logo; and

WHEREAS, 21 American Indian related programs at the University of North Dakota have given their full and unanimous support to discontinue the use of the FIGHTING SIOUX™ nickname and logo; and

WHEREAS, the use of the FIGHTING SIOUX™ nickname and logo at the University of North Dakota hinders the full participation of many of the American Indian students in all aspects of campus life; and

WHEREAS, the use of American Indian names and logos in athletics is demeaning whether intended or not; and

WHEREAS, these American Indian names and symbols promote and encourage practices that trivialize our traditions, culture, and spirituality;

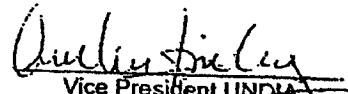
NOW THEREFORE BE IT RESOLVED, that the University of North Dakota Indian Association opposes the use of the FIGHTING SIOUX™ nickname and its accompanying "Indian head" logo;

AND BE IT FURTHER RESOLVED, that the University of North Dakota Indian Association respectfully requests the University of North Dakota to discontinue use of the FIGHTING SIOUX™ name and its accompanying "Indian head" logo;

AND BE IT FURTHER RESOLVED, that the University of North Dakota Indian Association extends an invitation to the University of North Dakota officials and members of the Student Senate to work together in developing a logo and nickname that all UND students and alumni can be proud of.

Voted and Ratified on March 8, 2006


President UNDIA


Vice President UNDIA

DEPARTMENT OF ENGLISH
P.O. BOX 7209
GRAND FORKS, NORTH DAKOTA 58202-7209
(701) 777-3321
FAX (701) 777-2373

2.06.06

Robert Potts
Chancellor
North Dakota University System
State Capitol
600 East Boulevard Ave.
Dept 215
Bismarck, ND 58505-0230

Chancellor Potts,

Greetings,

Attached you will find a petition signed by over 120 faculty members at the University of North Dakota. We feel this is an important time to re-emphasize educational issues related to the ongoing controversy over the "Fighting Sioux" team name and logo. This controversy has had a damaging effect on UND's educational mission, its national academic reputation, its relationship to regional tribes and tribal organizations, and its educational commitment to racial equity.

We are concerned that the State Board of Higher Education has not moved to address publicly the serious concerns raised in the North Central Association of Colleges and Schools (NCA) Higher Learning Commission's re-accreditation report for UND, issued in 2004. We understand that you, President Kupchella, and the SBHE have faced considerable work since then in addressing the 2005 legislative session, and more recently, in addressing the August 2005 NCAA ruling. But as faculty, we remain committed to addressing the concerns raised in the NCA report, as well as those raised recently by the American Psychological Association.

We are also concerned that efforts to highlight problems with the logo/name for the NCA review team during their campus visit have been dismissed since then by some officials at UND as a "lobbying effort," which seems to suggest that such an approach was not legitimate. What occurred was in fact a very serious "within channels" effort to document an ongoing problem. This was work that took considerable time, and was undertaken respectfully and carefully by a large number of students, staff and faculty deeply concerned about the welfare of this campus. And as you are aware, the NCA report itself documents also how frequently the logo/name issue was raised by many people with no previous involvement in the controversy.

We are proud of the many strengths of UND which were clearly recognized in the NCA report. As faculty, we are also committed to addressing other concerns raised by the NCA, including the campus-wide issue of assessment. We are aware that the NCA will evaluate our collective progress on assessment during a 2007 return visit.

At the same time, many faculty members strongly believe that UND's continued use of an American Indian team name and logo has a serious and negative impact on learning here, and that is why we continue to take the time and energy to address it. We also take seriously our responsibility to clarify the educational issues for the wider public.

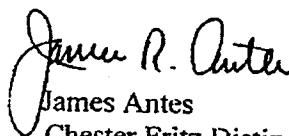
All of the faculty members below who participated in the ad-hoc committee that assembled this petition would be more than happy to meet with you (at UND or in Bismarck) to discuss these concerns. We look forward to a good working relationship with you on this and other matters.

Thank you for your time and consideration, and we look forward to hearing from you.

Sincerely,



Sharon Carson
Professor,
English/Philosophy and Religion
701.777.2764
sharon_carson@und.nodak.edu



James Antes
Chester Fritz Distinguished Professor,
Psychology
701.777.3882
james_antes@und.nodak.edu

For the ad-hoc UND Faculty Petition committee:

Sandra Donaldson, Chester Fritz Distinguished Professor, English, 701.777.4461
Eric Wolfe, Assistant Professor, English, 701.777.6988
Lori Robison, Associate Professor, English, 701.777.4306
Jeanne Anderegg, Director, Honors Program, 701.777.3302
Jack Weinstein, Associate Professor, Philosophy and Religion, 701.777.2887
Margaret Zidon, Associate Professor, Teaching and Learning, 701.777.3614

Cc: Charles Kupchella, President, University of North Dakota
Greg Weisenstein, Provost and VPAA, UND
Leigh Jeanotte, Director, American Indian Student Services
NCA/Higher Learning Commission Re-accreditation Team for UND
Ron His Horse Is Thunder, Chairman, Standing Rock Sioux Tribe
James Crawford, Chairman, Sisseton-Wahpeton Oyate Tribe
Myra Pearson, Chairwoman, Spirit Lake Tribe
Harold C. Frazier, Chairman, Cheyenne River Sioux Tribe

Rodney Bordeaux, President, Rosebud Sioux Tribe
Cecelia Fire Thunder, President, Oglala Sioux Tribe
Duane Big Eagle, Chairman, Crow Creek Sioux Tribe
Robert Cournoyer, Chairman, Yankton Sioux Tribe
Tex Hall, Chairman, Three Affiliated Tribes of Mandan, Hidatsa and Arikara Nation
United Tribes of North Dakota
North Dakota Indian Education Association
Minnesota Indian Education Association
North Dakota State Board of Higher Education/ members

DEPARTMENT OF ENGLISH
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GRAND FORKS, NORTH DAKOTA 58202-7209
(701) 777-3321
FAX (701) 777-2373

February 6, 2006

**UND FACULTY PETITION TO RETIRE THE "FIGHTING SIOUX"
NAME/LOGO**

To: Robert Potts
Chancellor
North Dakota University System

Chancellor Robert Potts:

Faculty members at the University of North Dakota are responsible for the quality and integrity of the educational mission at UND. In that capacity, we the undersigned UND faculty call upon you to take immediate steps to initiate a thoughtful process to retire the "Fighting Sioux" name/logo.

We believe that immediately retiring the name/logo is the long overdue and only respectful response to formal objections to its use by the vast majority of American Indian Programs at UND, by almost all regional tribal councils of the Lakota, Nakota and Dakota (Sioux) Nations, by the National, North Dakota and Minnesota Indian Education Associations, by the U.S. Commission on Civil Rights, and by other educational, civil rights and American Indian tribes and organizations too numerous to list.

We take seriously our responsibility as UND faculty (and as members of a public university system) to respond immediately to serious concerns raised by the American Psychological Association in its 2005 resolution calling for an end to the use of American Indian imagery in athletics, as well as our responsibility to act based upon scholarly research done at UND and elsewhere that has documented the negative effects -- especially on all young people-- of stereotypical Indian imagery in sports.

We also are calling for this action in light of the 2004 finding by the Higher Learning Commission of the North Central Association of Colleges and Schools (NCA), wherein an impartial academic re-accreditation team conducted an exhaustive review of this issue during their campus visit. The NCA review team expressed in their final report serious concerns about the damage being done to the educational mission at UND by our continued use of the "Fighting Sioux" name/logo, and strongly urged UND to immediately and respectfully retire the logo/name. We urge you to take immediate action to address the concerns raised in the NCA review.

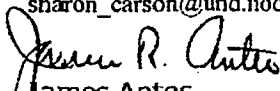
And finally, as UND faculty members committed to the well-being of our students, the campus, and the region, we also affirm our willingness to assist the campus and the community as we work through the transitions necessary to begin this new era for UND.

Respectfully,

Faculty contacts:



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English/Philosophy and Religion
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Chester Fritz Distinguished Professor,
Psychology
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Signatories:

Sandra Donaldson, Chester Fritz Distinguished Professor of English

Albert J. Fivizzani, Chester Fritz Distinguished Professor of Biology

William F Sheridan, Chester Fritz Distinguished Professor of Biology

Richard L. Ludtke, Chester Fritz Distinguished Professor of Sociology and Rural Health

David Lambeth, Chester Fritz Distinguished Professor of Biochemistry and Molecular Biology

Thomas V. Petros, Chester Fritz Distinguished Professor of Psychology

Richard D. Crawford, Chester Fritz Distinguished Professor of Biology

William Borden, Chester Fritz Distinguished Professor Emeritus of English

Michael Anderegg, Chester Fritz Distinguished Professor Emeritus of English

Robert W. Lewis, Chester Fritz Distinguished Professor Emeritus of English & Peace Studies

Jeanne Anderegg, Senior Lecturer, Honors/English

Margaret Zidon, Associate Professor, Teaching and Learning

Lori Robison, Associate Professor, English

Eric Wolfe, Assistant Professor, English

Jack Weinstein, Associate Professor, Philosophy and Religion

Heidi K. Czerwiec, Assistant Professor, English

Jim Mochoruk, Professor, Department of History

Dr. Claudia Routon, Assistant Professor, Modern and Classical Languages and Literatures

Christopher Nelson, Assistant Professor, English

Luzy Ganje, Associate Professor, Art

Michael Wittgraf, Associate Professor, Music

Virgil Benoit, Associate Professor, Languages

Wendell Hume, Associate Professor, Women Studies & Criminal Justice

Daniel N. Erickson, Assistant Professor and Coordinator of Classical Studies

Cheryl Terrance, Assistant Professor, Psychology

Gaye Burgess, Associate Professor, Theatre Arts

Faythe Thureen, Norwegian Instructor, Languages

Birgit Hans/Professor/Indian Studies Department

Curtis Stofferahn, Associate Professor, Sociology

James McKenzie, Professor, English (Retired)

Janet Kelly Moen, Professor, Sociology and Peace Studies

Brian James Schill, Lecturer, Honors

Lonny Winrich, Professor Emeritus, Computer Science

Janet G. Ahler, Professor, Educational Foundations & Research

Donald Miller, Professor, Art

James Grijalva, Associate Professor, School of Law

Colleen Berry, Assistant Professor, Languages & COBPA (Chinese Studies)

Wenona Singel, Assistant Professor, Law

Barbara Handy-Marchello, Associate Professor, History

Marcia O'Kelly, Professor Emerita of Law

Jane Berne, Associate Professor, Languages

Kathleen Tiemann, Professor and Chair of Sociology

Suzana Y. Michel, Lecturer, French and Spanish

Sally Pyle, Associate Professor, Anatomy and Cell Biology

Janice Goodwin, Associate Professor, Nutrition & Dietetics

Marcus Weaver-Hightower, Instructor, Educational Foundations and Research & Teaching and Learning

Matthew L.M. Fletcher, Assistant Professor, UND School of Law/ Director, Northern Plains Indian Law Center

Yvette LaPierre, Senior Lecturer, English/Integrated Studies

Barry Milavetz, Associate Professor, Biochemistry & Molecular Biology

Alvin O. Boucher, Adjunct, University of North Dakota School of Law

Clifford L. Staples, Professor, Sociology

Ann Reed, Lecturer, Anthropology

Barbara Voglewede, Assistant Professor, Law

Robert W. King, Professor (retired), English/Education

Sebastian Braun, Assistant Professor, Department of Indian Studies

Tim Driscoll, Assistant Professor, Sociology

Tami Carmichael, Assistant Professor, Humanities & English

David F. Marshall, Professor, English

Richard Fiordo, Professor, School of Communication

Gayle Baldwin, Associate Professor, Philosophy and Religion

Elizabeth Rankin, Professor, English

Tom Steen, Associate Professor, Physical Education and Exercise Science

J.Doug McDonald, Professor, Psychology

Yvette Koepke, Assistant Professor, English

Sharry O'Donnell, Professor and Chair, English

Patrick Luber, Professor, Art

Fred Schneider, Professor Emeritus, Anthropology

Victoria Smith Holden, Associate Professor, School of Communication.

Peter Meberg, Associate Professor, Biology

Cindy Juntunen, Professor, Counseling

Melinda Leach, Associate Professor, Anthropology

Marcia Mikulak, Assistant Professor, Anthropology

Barbara Combs, Associate Professor, Teaching & Learning

Diane Darland, Assistant Professor, Biology

Brett Goodwin, Assistant Professor, Biology

Judith H. Hall, Assistant Professor, Nutrition & Dietetics

Charles William Miller, Associate Professor and Chair, Philosophy and Religion

Nadine C. Tepper, Assistant Professor, Teaching and Learning

Daphne Pedersen Stevens, Assistant Professor, Sociology

Donald V. Poochigian, Professor, Philosophy and Religion

Shelby J. Barrentine, Associate Professor, Teaching & Learning

Lynn Lindholm, Associate Professor, Philosophy and Religion

Andre Lebugle, Professor, French

Susan Koprince, Professor, English

Thomasine Heitkamp, Professor and Chair, Social Work

Jeffrey W. Lang, Professor Emeritus, Biology

Gretchen Chesley Lang, Professor Emerita, Anthropology

Glinda Crawford, Professor (retired), Sociology, Women Studies, Peace Studies,
Institute for Ecological Studies

Kirsten Dauphinais, Assistant Professor, Law

Rebecca Simmons, Assistant Professor, Biology

Marci Glessner, Assistant Professor, Teaching and Learning

Kathleen Dixon, Professor, English

Ralph Koprince, Associate Professor, Languages

Eleanor Yurkovich, Associate Professor, Nursing

Doug Peters, Professor, Psychology

Jan Zahrly, Associate Professor, Management

Tom Rand, Associate Professor, Humanities

Mark Hoffmann, Professor, Chemistry

Mary L. Cutler, Professor, Theatre Arts

Gretchen Daneke Graf, Instructor, Philosophy and Religion

Garl K. Rieke, Associate Professor, Anatomy and Cell Biology

Rebecca Weaver-Hightower, Assistant Professor, English

Robert W. Kweit, Professor, Political Science & Public Administration

Kim W. Fink, Associate Professor, Art

Kim Donehower, Assistant Professor, English

Jeff Carmichael, Associate Professor Biology

Liz Tyree, Clinical Associate Professor Family and Community Nursing

Mary Grisez Kweit, Professor and Chair, Political Science & Public Administration

Michael Atkinson, Associate Professor, Anatomy and Cell Biology

Darin Kerr, Lecturer, English/Honors

Paul E. Sum, Assistant Professor, Political Science & Public Administration

Charie Lemer, Lecturer, Honors

Alan King, Professor, Psychology

Cecilia Volden, Professor, Nursing

Michele Iiams, Assistant Professor, Mathematics

Robin David, Lecturer, Honors

Margo Adams Larsen, Assistant Professor, Psychology

Judy Milavetz, Instructor, Teaching & Learning

Anne Walker, Assistant Professor, Teaching & Learning

Janet Schauer, Clinical Associate Professor, Family and Community Nursing

NORTH DAKOTA UNIVERSITY SYSTEM

The Vital Link to a Brighter Future

February 28, 2006

Dr. Sharon Carson
Professor
English/Philosophy and Religion
University of North Dakota
PO Box 7209
Grand Forks ND 58202-7209

Dr. James Antes
Chester Fritz Distinguished Professor,
Psychology
University of North Dakota
PO Box 8380
Grand Forks ND 58202-8380

RE: Petition to Retire the "Fighting Sioux"
Name/Logo

Dear Dr. Carson and Dr. Antes:

Thank you for your sensitive and important letter of February 6, 2006, and a copy of the UND faculty petition to retire the "Fighting Sioux" name/logo at the University. The issues you raise in your letter and in the petition are serious and substantive. Our State Board of Higher Education is acutely aware of this matter and hopes it can be resolved in a mutually satisfactory manner.

To that end, a member of the board, a prominent alumnus of UND, the president and I recently met with tribal leaders to discuss how this difficult issue can be addressed in a responsible and comprehensive manner. Although no positions changed in the initial meeting, future meetings are planned.

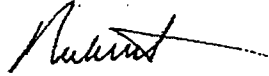
State Capitol - 600 E. Boulevard Ave., Dept. 215, Bismarck, ND 58505-0230
Phone: 701.328.2960 • Fax: 701.328.2961
E-mail: NDUS.office@ndus.nodak.edu • Web: www.ndus.nodak.edu

The North Dakota University System is governed by the State Board of Higher Education and includes:
Bismarck State College • Dickinson State University • Lake Region State College • Mayville State University •
Minot State University • Minot State University-Bottineau Campus • North Dakota State College of Science •
North Dakota State University • University of North Dakota • Valley City State University • Williston State College.

Letter to Dr. Sharon Carson and Dr. James Antes
February 28, 2006
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Although I cannot predict the outcome of these discussions, I am pleased by the fact that good communication now is going on. Hopefully, the negotiating group will reach consensus and share their recommendations with the campus community, the tribes and the State Board of Higher Education so that this matter can be resolved.

Best regards,



Robert L. Potts
Chancellor

xc: Members, SBHE
Dr. Charles Kupchella

NCAA EXHIBIT 6

AT LARGE

John Taken Alive

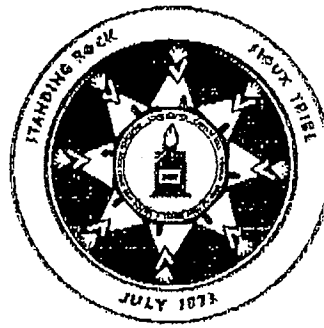
Claymore

Archie Fool Bear

Matt Lopez

Alma J. Mentz

Jesse McLaughlin



APR 27 2006

Ron His Horse Is Thunder
Chairman

Avis Little Eagle
Vice Chairwoman

Geraldine Agard
Secretary

DISTRICTS

Robert Cordova
Cannonball District

Henry Harrison
Long Soldier District

Joe Strongheart Sr.
Wakpala District

Frank White Bull
Kenel District

Joe White Mountain Sr.
Bear Soldier District

Milton Brown Otter
Rock Creek District

Frank Emerson Jr.
Antelope District

Richard D. Bird Jr.
Porcupine District

April 27, 2006

Bernard W. Franklin, Ph.D.
Senior Vice-President for Governance and Membership
National Collegiate Athletic Association
PO Box 6222
Indianapolis, IN 46206

VIA FACSIMILE

Dear Dr. Franklin:

Greetings from the Standing Rock Sioux Tribe (SRST)!

On behalf of the SRST, I tender this letter to convey to the National Collegiate Athletic Association (NCAA) that the SRST maintains its stance opposing the "Fighting Sioux" athletic nickname and logo used by the University of North Dakota (UND). Attached is a copy of SRST Council Resolution Number 438-05, passed in 2005 which officially and respectfully requests UND to discontinue use of its nickname and logo and supports the NCAA decision to bar the use of Native American tribal names in post season games by colleges and universities.

The April 26, 2006, letter you received from Archie Fool Bear does not reflect the official position of the SRST. Mr. Fool Bear is a member of the SRST Council and is the Chairman of the SRST Council Judicial Committee. However, the Judicial Committee only has the power to make "recommendations" to the full SRST Council. Mr. Fool Bear has already attempted once (January 2006) to convince the full SRST Council to officially change its position regarding UND's athletic nickname and logo, but the SRST Council has not changed its position.

Mr. Fool Bear's letter also cites a visit the Judicial Committee made to UND and he reports that they "did not observe any abusive or derogatory

Letter to NCAA
Page 2
4/27/2006

comments" during their visit. I, however, have received copies of internet dialogue on how UND alumni, "The Sioux Crew," knew in advance that Tribal officials were going to be present at a hockey game and knew that UND President Charles Kupchella arranged the visit "to show the Sioux Tribal members how we (they) behave." (See attachment)

Amid UND's appeals of NCAA rulings in accordance with NCAA policies regarding use of American Indian athletic nicknames and logos, the SRST remains committed to protecting the integrity of the Dakota and Lakota (Sioux) culture and spirituality of its members, especially for SRST-member alumni and current students of UND.

Please contact me at (701) 854-8500 should you have questions or concerns.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Ron His Horse Is Thunder". The signature is stylized with a large, sweeping "R" and a long, horizontal line extending from the end of the name.

Ron His Horse Is Thunder
Chairman
Standing Rock Sioux Tribe

Enclosures

RESOLUTION NO. 438-05

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, the Standing Rock Sioux Tribe passed motions and resolutions in 1992 and 1998 against the use of the "***Fighting Sioux***" nickname by the University of North Dakota, and

WHEREAS, other Sioux Tribes have consistently opposed the use of the "***Fighting Sioux***" nickname by the University of North Dakota (see www.und.edu/org/bridges/index2.html); and

WHEREAS, the University of North Dakota has appropriated the nickname "***Fighting Sioux***" without consulting or seeking the permission of Sioux Tribes; and

WHEREAS, Native American students and alumni of the University of North Dakota must endure professional, social and academic hardships due to the "***Fighting Sioux***" nickname; and

WHEREAS, the University's continued use of the "***Fighting Sioux***" nickname places Native American students and alumni in the position of being mascots and subjects these individuals to racially insensitive actions; and

WHEREAS, the University of North Dakota professes to support Native American issues;

NOW THEREFORE BE IT RESOLVED, the Standing Rock Sioux Tribe supports the recent decision by the National Collegiate Athletic Association to bar the use of Native American Tribal names in post-season games by colleges and universities. We the undersigned feel that the University of North Dakota should discontinue the use of the "***Fighting Sioux***" nickname; and

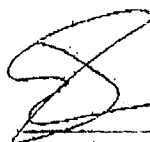
BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

We, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [17] of whom 14 constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on the 15th day of **SEPTEMBER, 2005**, and that the foregoing resolution was duly adopted by the affirmative vote of 12 members, with 0 opposing, and with 2 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT, IN CASE OF TIE.**

DATED THIS 15th DAY OF SEPTEMBER, 2005.

ATTEST:



Charles W. Murphy, Chairman
Standing Rock Sioux Tribe



Sharon Two Bears, Secretary
Standing Rock Sioux Tribe

[Official Tribal Seal]

Meeting Date: 09-15-05
Motion No. 100

NCAA EXHIBIT 7

AT LARGE

Jesse Taken Alive

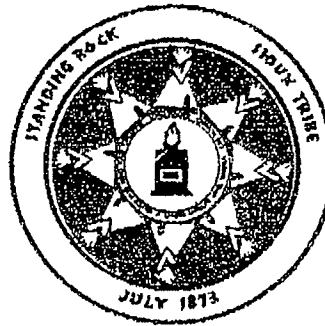
Boys more

Archie Fool Bear

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April 26, 2006

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Milton Brown Otter
Rock Creek District

James Jamerson
North Slope District

Richard D. Bird Jr.
Porcupine District

Mr. Bernard W. Franklin, NCAA Senior VP
for Governance and Membership
Indianapolis, IN 46202

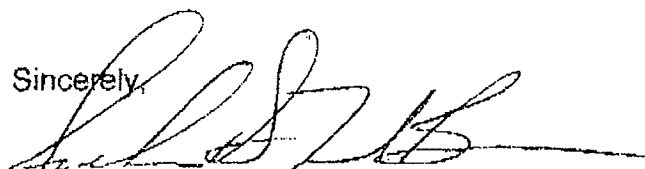
Dear Mr. Franklin:

As of this date, six of the eight districts which make up the Standing Rock Sioux Indian Reservation have voted overwhelmingly to support the position of the Judicial Committee of the Standing Rock Sioux Tribe reaffirming support for the University of North Dakota's use of the name "Fighting Sioux" for its athletic teams. The primary reason for this support is that the University of North Dakota has for decades and continues to this date to make educational opportunities for North Dakota Sioux citizens a top priority and offers more Indian Programs than any other University in the United States and in addition continues to endeavor to provide tuition assistance and scholarship opportunities for North Dakota's Sioux student population.

During a recent visit to the University of North Dakota, we as the Judicial Committee did not observe any abusive or derogatory comments or remarks concerning Native Americans, and we do not believe that there is credible evidence of "hostile and abusive" treatment as reported by the NCAA but rather an environment of respect and honor shown to our heritage and culture along with a zero tolerance policy dealing with racism.

In conclusion, we as the Judicial Committee have been authorized by the Tribal Council to move forward on this issue and have made great strides in doing so. We are very confident and do anticipate full Tribal Council action on this matter in the near future.

Sincerely,


Archie Fool Bear, Chairman
SRST Judicial Committee
At Large Tribal Council Member
Standing Rock Sioux Tribe

NCAA EXHIBIT 8